

**United States District Court**  
**for the**  
**District of Alaska**

**Petition for Warrant or Summons for Offender Under Supervised Release**

Name of Offender: Jeremy Topkok

Case Number: A05-088 CR (JWS)

Sentencing Judicial Officer: John W. Sedwick, Chief U.S. District Court Judge

Date of Original Sentence: February 1, 2006

Original Offense: Attempted Bank Robbery

Original Sentence: 14 months

Date Supervision Commenced: September 15, 2006

Asst. U.S. Attorney: James A Goeke

Defense Attorney: Kevin McCoy

**PETITIONING THE COURT**

- To issue a warrant  
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervised release:

Violation Number    Nature of Noncompliance

- 1      The defendant has violated the Special Condition of Supervision "The defendant shall not consume or possess any alcoholic beverages" in that on or about October 1, 2006, the defendant obtained and consumed alcohol to the point of intoxication. This violation is a Grade C violation.
- 2      The defendant has violated the Mandatory Condition of Supervision "The defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance," in that On October 15, 2006, at approximately 1740, the defendant was arrested for shoplifting two bottles of Vodka worth approximately \$60.00 (case 06-49705). The defendant was cited and released with a summons to State Court on November 17, 2006. This violation is a Grade C violation.
- 3      The defendant has violated the Special Condition of Supervision "The defendant shall not consume or possess any alcoholic beverages'" in that on October 15, 2006, the defendant possessed two bottles of Vodka. This violation is a Grade C violation.
- 4      The defendant has violated the Mandatory Condition of Supervision "The defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance," in that on October 15, 2006, at 2138, the defendant was arrested for shoplifting two 40-ounce bottles of beer (case 06-49723). This violation is a Grade C violation.

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- 5 The defendant has violated the Special Condition of Supervision "The defendant shall not consume or possess any alcoholic beverages" in that on October 15, 2006, the defendant possessed two 40-ounce bottles of beer. This violation is a Grade C violation.

**U.S. Probation Officer Recommendation:**

The term of supervised release should be:

Revoked  
 Extended for \_\_\_\_\_ year(s), for a total term of \_\_\_\_\_ years.

- [ ] The conditions of supervised release should be modified as follows:

*Respectfully submitted,* /

**REDACTED SIGNATURE**

Travis Lyons  
 U.S. Probation/Preliminary Services Officer  
 Date: October 16, 2006

Approved by:

**REDACTED SIGNATURE**

Eric D. Odegard  
 Supervising U.S. Probation Officer

**THE COURT ORDERS**

- The *WARRANT FOR ARREST* be delivered to the U.S. Marshal's Service; and the petition, probation officer's declaration, and a copy of the warrant shall be sealed in the Clerk's file and disclosed only to the U.S. Attorney for their official use, until the arrest of the offender. The petition for supervised release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be before the undersigned District Court Judge.

- [ ] The issuance of a summons. The Petition for Supervised Release revocation is referred to the Magistrate Judge for initial appearance/preliminary hearing(s). The evidentiary hearing, if any, will be before the Magistrate Judge only upon consent; otherwise the evidentiary hearing will be

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before the undersigned District Court Judge.

[ ] Other: \_\_\_\_\_

**REDACTED SIGNATURE**

John W. Sedwick  
Chief U.S. District Court Judge

10-17-06

Date

**Supervised Release Cases:** Pursuant to 18.U.S.C. § 3401(I), the sentencing District Court may designate a Magistrate Judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the Court proposed findings of facts and recommendations, including disposition recommendations.

**Probation Cases:** Pursuant to *United States v. Frank F. Colacurcio*, 84 F.3d 326, a Magistrate Judge has the authority to conduct a probation revocation hearing **only if** the following three conditions are satisfied: (1) the defendant's probation was imposed for a misdemeanor; (2) the defendant consented to trial, judgment, and sentence by a Magistrate Judge; and (3) the defendant initially was sentenced by a Magistrate Judge. Therefore, a District Court **may not** designate a Magistrate Judge to conduct revocation hearings on probation cases where a District Court was the sentencing Court.

**United States District Court**  
for the  
**DISTRICT OF ALASKA**

)  
**UNITED STATES OF AMERICA** )  
                                )  
                                ) Case Number: A05-088 CR (JWS)  
                                )  
vs.                           ) DECLARATION IN SUPPORT OF PETITION  
                                )  
                                )  
Jeremy Topkok              )

I, Travis Lyons, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of Supervised release for Jeremy Topkok, and in that capacity declare as follows:

The defendant was convicted of Attempted Bank Robbery on February 1, 2006, and sentenced to 14 months jail and three years supervised release. Additional conditions of release were that the defendant not possess or consume any alcoholic beverages and not commit any local, state, or federal crimes. The defendant started his supervised release on September 15, 2006.

On October 3, 2006, the defendant came in to the U.S Probation Office for a meeting. The defendant admitted to consuming alcohol on October 1, 2006, explaining that he went to George's Bar and consumed alcohol to intoxication. The defendant stated that he was very ill the next day and was ashamed and embarrassed of his actions. We discussed the importance of maintaining sobriety and the defendant was instructed to attend three AA meetings a week and also agreed to a modification to obtain a mental health evaluation and comply with any recommended treatment (the defendant informed that he has unresolved personal issues that may be contributing to his desire to consume alcohol).

On October 15, 2006, the defendant was arrested (cited and released) for shoplifting two bottles of Vodka (worth \$60.00) from the La Bodega store in the University Mall. The citation took place at 17:40 and was assigned the case number 06-49705. The defendant has a scheduled court appearance for November 17, 2006.

On October 15, 2006, the defendant was again arrested for shoplifting two 40-ounce bottles of beer (worth \$6.00). This occurred at 21:38 and was assigned case number 06-49723. The defendant was taken to an APD substation, arraigned by telephone, and released on his promise to appear to court on November 15, 2006.

Executed this 16<sup>th</sup> day of October, 2006, at Anchorage, Alaska, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

**REDACTED SIGNATURE**

Travis Lyons  
U.S. Probation Officer  
District of Alaska